

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

JEFFERY T. COOK,

Plaintiff,

v.

CIVIL ACTION NO. 3:15-2172

MILDRED MITCHELL-BATEMAN
HOSPITAL,
MR. TOM SULLIVAN;
CRAIG RICHARDS; and
MS. PAT FRANZ,¹

Defendants.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that Plaintiff's request to dismiss Defendants Franz and Richards, without prejudice, be granted (ECF No. 91); the Motions to Dismiss of Franz and Richards be denied (ECF No. 63, 65); Defendants Franz and Richards be dismissed, without prejudice, and removed from the style of the case; and the case shall remain pending against the other defendants until further order of the Court. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

¹ The style of the case has been amended to reflect the correctly spelled names of Defendants Richards and Franz.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **ORDERS** that Plaintiff's request to dismiss Defendants Franz and Richards, without prejudice, be **GRANTED** (ECF No. 91); the Motions to Dismiss of Franz and Richards be **DENIED** (ECF No. 63, 65); Defendants Franz and Richards be **DISMISSED, without prejudice**, and removed from the style of the case; and the case shall remain pending against the other defendants until further order of the Court, consistent with the findings and recommendations.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: February 27, 2017



ROBERT C. CHAMBERS, CHIEF JUDGE